HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10007592-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Srikanth Natarjan, et al.

Confirmation No.: 9389

Application No.: 09/838,205

Examiner: Houssain, Tanim M.

Filing Date:

Group Art Unit:

Title:

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 01/09/2008.

☒ The fee for filing this Appeal Brief is $510.00 (37 CFR 41.20)

☐ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month $120	☐ 2nd Month $460	☐ 3rd Month $1050	☐ 4th Month $1640

☐ The extension fee has already been filed in this application.

☐ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of $ 510. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Respectfully submitted,

Srikanth Natarjan, et al.

By /Jed W. Caven/

Jed W. Caven

Attorney/Agent for Applicant(s)

Reg No. : 40,551

Date : 02/25/2008

Telephone : 720.841.9544

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	)	
	)	
Srikanth Natarjan, et al.	)	Group Art Unit: 2145
	)	
Serial No.: 09/838,205	)	Examiner: Houssain, Tanim M.
	)	
Filing Date: 04/20/2001	)	Confirmation No.: 9389
	)	

For: Method and System for Identifying Event Sources in Duplicate IP Networks

APPEAL BRIEF

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is submitted in response to the final rejections of the claims mailed November 21, 2007. A Notice of Appeal was filed on January 9, 2008.

REAL PARTY IN INTEREST

The assignee of the entire right, title, and interest in the patent application is Hewlett-Packard Development Company.

RELATED APPEALS AND INTERFERENCES

There are currently no related appeals of other United States patent applications known to Appellants, Appellants' legal representative, or the assignee that will directly affect, or be directly affected by, or have a bearing on, the Board's decision. There are currently no related interferences known to Appellants, Appellants' legal representative, or the assignee which will directly affect, or be directly affected by, or have a bearing on, the Board's decision.

STATUS OF CLAIMS

Claims 1-3 and 5-7 are pending in this application. Following the final Office Action mailed November 21, 2007, the status of the claims is as follows:

Claim 6 is canceled.

Claims 1-3 and 5-7 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,425,008 to Lecheler, et al. ("Lecheler").in view of U.S. Patent No. 6,978,265 to Schumacher ("Schumacher").

Claims 1-3 and 5-7 are subject to appeal.

STATUS OF AMENDMENTS

No Amendments have been filed since the Final Office Action.

SUMMARY OF CLAIMED SUBJECT MATTER

The subject matter of the independent claims is summarized below with reference numerals and reference to the specification and drawings in accordance with 37 CFR §41.37.

Independent Claim 1

Independent claim 1 is directed to a method for identifying the source of an event in a computer network (e.g., lines 1-2 of paragraph [0010]). In some embodiments, the method comprises associating an identifier tag with an event (Fig. 2, reference numeral 205) occurring within the computer network (e.g., lines 2-4 of paragraph [0019]), wherein the identifier tag uniquely identifies at least one collection computer monitoring the event based on a domain name (e.g., lines 4-5 of paragraph [0019]); receiving, in at least one management computer (e.g., 120, 125, 130 and 135), information from the at least one collection computer that includes the identifier tag (block 210; e.g., lines 1-3 of paragraph [0023]); deriving, by the at least one management computer (105; e.g., lines 1-2 of paragraph [0023]), an identification of the at least one collection computer from the identifier tag (block 215; e.g., lines 1-3 of paragraph [0024])based on the domain name; and identifying to a user the source of the event by displaying to the user the identification of the at least one collection computer, the at least one collection computer and a network address of a network element that generated the event being at least one a collection computer and a group of collection computers (e.g., lines 5-7 of paragraph [0025]).

Independent Claim 7

Independent claim 7 is directed to a system for identifying the source of an event in a computer network (e.g., lines 1-2 of paragraph [0010]). In some embodiments, the system comprises a plurality of collection computers (e.g., 120, 125, 130 and 135), wherein an identifier tag uniquely identifies each collection computer or a group of collection computers based on a domain name (e.g., lines 2-7 of paragraph [0025]), and wherein the identifier tag is associated with an event occurring within the computer network (e.g., line 5 of paragraph [0023] and line 1 of paragraph [0025]); at least one management computer (e.g., 105) for receiving information from the plurality of collection computers that includes the identifier tag (e.g., lines 1-3 of paragraph [0023]), wherein each management computer derives an identification of each collection computer or group of collection computers from the identifier tag based on the domain name (e.g., lines 2-7 of paragraph [0025]); and means for identifying to a user the source of the event by displaying to the user the identification of each collection computer or group of collection computers and a network address of a network element that generated the event (e.g., 140, 145; e.g., lines 8-11 of paragraph [0018] and line 11 of paragraph [0025]).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claims 1-3 and 5-7 are properly rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,425,008 to Lecheler, et al. ("Lecheler").in view of U.S. Patent No. 6,978,265 to Schumacher ("Schumacher").

ARGUMENT

I. Rejections Under 35 U.S.C. §103

Applicant traverses the rejections of claims 16-19. Initially, Applicant contends that the Action fails to establish a *prima facie* case of obviousness because the Action fails to make the necessary factual findings required under Teleflex Inc. v. KSR Int'l, Co. 550 U.S. ___, 82 USPQ 2d 1385 (2007), as interpreted by the Examination Guidelines for Determining Obviousness Under 35 U.S.C. §103 in View of the Supreme Court Decision in KSR International Co. v. Teleflex Inc., published October 10, 2007. For example, the Action lacks any factual findings with regard to on the level of ordinary skill in the art.

Further, the Action includes substantive errors with respect to the status of the prior art. In particular, the outstand rejections under 35 U.S.C. §103 are improper as a matter of law because there is no evidence of record to support the assertion that Schumacher is available as prior art against this application. The present application has a priority date of May 20, 2001. Schumacher was filed January 15, 2002. Thus, Schumacher itself is not available as prior art against this application.

The final Office Action appears to rely on Schumacher's priority claim to provisional application Serial No. 60/262,134 filed January 16, 2001 to support the rejection. In order to support this rejection, there must be an evidentiary showing on the record that the provisional application Serial No. 60/262,134 fully supports the claims of Schumacher as required by 35 USC 112 (See MPEP 706.02.V). There is no such showing on the record, and the Examiner's unsupported assertion to this effect in the Advisory Action cannot substitute for a factual showing on the record. Therefore, the rejections are improper as a matter of law and should be withdrawn.

Still further, a cursory review of provisional application Serial No. 60/262,134 reveals that much of the provisional application consists of marketing materials that provide no significant technical content. A more thorough review of provisional application Serial No. 60/262,134 reveals that provisional application Serial No. 60/262,134 does not, in fact, provide full support for the claims of Schumacher. By way of example, and not limitation, provisional application Serial No. 60/262,134 fails to disclose a method of managing information for a plurality of computers in a distributed network comprising the steps of:

(A) collecting original data related to each computer and storing the original data in a respective database;

(B) generating an index table including index data for each computer

wherein the index data is configured (i) to identify at least a portion of the contents of the original data stored in the database, and (ii) to facilitate access to the databases over the distributed network;

(C) scanning at least one of the index tables to select databases that match a user query;

(D) accessing the selected databases to retrieve original data and generate an output therefrom.

In addition, provisional application Serial No. 60/262,134 fails to disclose various elements of other claims in Schumacher.

In sum, there is *no evidence whatsoever* on the record to support the Examiner's assertion that Schumacher is entitled to claim priority from provisional application Serial No. 60/262,134 such that Schumacher can qualify as prior art against the claims of this application. Further, provisional application Serial No. 60/262,134 lacks the disclosure necessary to support the claims of Schumacher. Therefore, Schumacher is unavailable as a prior art reference against the pending claims. Accordingly, the rejections under 35 U.S.C. §103 are improper as a matter of law and must be withdrawn.

Respectfully submitted,

Jed W. Caven
Caven & Aghevli LLC
Attorney for Appellants

/Jed W. Caven/

Jed W. Caven
Registration No. 40,551
(720) 841-9544

Date: February 25, 2008

Claims Appendix

1. (Previously Presented) A method for identifying the source of an event in a computer network, comprising the steps of:

associating an identifier tag with an event occurring within the computer network, wherein the identifier tag uniquely identifies at least one collection computer monitoring the event based on a domain name;

receiving, in at least one management computer, information from the at least one collection computer that includes the identifier tag;

deriving, by the at least one management computer, an identification of the at least one collection computer from the identifier tag based on the domain name; and

identifying to a user the source of the event by displaying to the user the identification of the at least one collection computer, the at least one collection computer and a network address of a network element that generated the event being at least one a collection computer and a group of collection computers.

2. (Original) The method of claim 1, wherein the identifier tag is a name of the at least one collection computer.

3. (Original) The method of claim 1, wherein the step of deriving comprises the step of: maintaining within the at least one management computer a database of identification information associated with identifier tags.

4. (Original) The method of claim 1, wherein the step of identifying comprises the step of: displaying to the user the identification of the at least one collection computer and a network

address of a network element that generated the event.

5. (Original) The method of claim 1, wherein the step of identifying comprises the step of: mapping each collection computer to a group of collection computers using the identifier tag; and identifying to the user the source of the event using the group of collection computers and a network address of a network element that generated the event.

6. (Canceled).

7. (Previously Presented) A system for identifying the source of an event in a computer network, comprising:

a plurality of collection computers, wherein an identifier tag uniquely identifies each collection computer or a group of collection computers based on a domain name, and wherein the identifier tag is associated with an event occurring within the computer network;

at least one management computer for receiving information from the plurality of collection computers that includes the identifier tag, wherein each management computer derives an identification of each collection computer or group of collection computers from the identifier tag based on the domain name; and

means for identifying to a user the source of the event by displaying to the user the identification of each collection computer or group of collection computers and a network address of a network element that generated the event.

Evidence Appendix

None

Related Proceedings Appendix

None